

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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UNITED STATES OF AMERICA                      §  
  
V.                                                              §                      CRIMINAL NO. 3:09-CR-00120-P  
  
JOEL WILLIAM PETERSEN (5)                      §

**MOTION FOR DISCOVERY AND PRODUCTION**  
**PURSUANT TO RULE 16**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES the Defendant, JOEL WILLIAM PETERSEN, by and through undersigned counsel and pursuant to Rule 16 of the Federal Rules of Criminal Procedure, moves this Honorable Court to direct the Government to make or have available at the appropriate time designated by the Court certain evidence and/or information, more specially set out below:

I.

The Defendant respectfully moves the Government to provide to the Defendant for inspection, copying and reproduction the following:

1. The substance of any relevant oral statement or remarks made by the Defendant which the Government intends to offer into evidence at the trial, whether before or after arrest and in response to interrogation by any person then known to the Defendant to be a Government agent.
2. All written or recorded statements made by the Defendant in the possession, custody or control of the Government, including but not limited to Grand Jury testimony, law enforcement memorandum of interview, deposition testimony, the existence of which is known or by the exercise of due diligence may become known to the Government.

3. A copy of the Defendant's entire prior criminal record within the possession, custody and control of the Government, the existence of which is known or by the exercise of due diligence may become known to the Government.

4. All books, papers, documents, photographs, tangible objects, buildings or places, or copies of portions thereof which are within the possession, custody or control of the Government and which are material to the preparation of the defense or are intended for use by the Government as evidence in its case in chief at the trial of this cause or were obtained from or belonged to the Defendant at any time during the investigation of this case.

5. The results or reports of any physical or mental examination or scientific tests or experiments conducted by any law enforcement agent or anyone under the direction of the Government, copies of which are within the possession, custody or control of the Government, the existence of which is known or by the exercise of due diligence may become known to the Government and which are material to the preparation of the defense or are intended for use by the Government as evidence in its case in chief at trial.

6. A written summary of any testimony that the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case in chief at trial. The summary should describe the witness's opinions, the bases and reasons for those opinions and the witness's qualifications.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court to grant this Motion for Discovery and Production Pursuant to Rule 16 in its entirety.

Respectfully submitted,

BURLESON, PATE & GIBSON, L.L.P.

*/s/ Michael P. Gibson*

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MICHAEL P. GIBSON  
TEXAS BAR CARD NO. 07871500

900 Jackson Street, Suite 330  
Dallas, Texas 75202  
Telephone: (214) 871-4900  
Facsimile: (214) 871-7543

COUNSEL FOR DEFENDANT  
JOEL WILLIAM PETERSEN

CERTIFICATE OF CONFERENCE

This is to certify that on the 9th day of July, 2009 undersigned counsel conferred with Christopher Stokes, the Assistant United States Attorney in charge of this case, and is authorized to state that the Government will respond to this motion in writing pursuant to the Court's Order.

*/s/ Michael P. Gibson*

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MICHAEL P. GIBSON

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered by ECF filing to Christopher Stokes and Rhonda Rogers, Assistant United States Attorneys, 1100 Commerce, 3<sup>rd</sup> floor, Dallas, TX 75242, on this the 14th day of July, 2009.

*/s/ Michael P. Gibson*

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MICHAEL P. GIBSON